MYSORE ACT No. I OF 1895.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1895.

(PASSED ON THE 21ST DAY OF JUNE 1895.)

An Act for the Prevention of Cruelty to Animals.

WHEREAS it is expedient to make further provision for the prevention of cruelty to animals; Her Highness the Maharani-Regent is pleased to enact as follows :—

Title.

1. (1) This Act may be called the Prevention of Cruelty to Animals Act, 1895.

Commencement and extent.

(2) It shall come into force in the City of Bangalore on the 27th day of June 1895 and the Government of Mysore may, by notification in the official Gazette, extend on and from a date to be specified in the notification, the whole or any part of this Act, to such other local areas, in which there is a resident Magistrate. as it may think fit.

(3) The Government of Mysore may cancel or vary a notification issued under the last foregoing sub-section.

and supersession of Bengal Act I of 1869.

(4) On this Act coming into force, Bengal Act No. I of 1869 (An Act for the Prevention of Cruelty to Animals) extended in part to the territories of Mysore by the Government of India Notification No. 7 J., dated 5th February 1878, shall, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced, cease to have effect in the [1][whole of the State of Mysore except Bellary District.][2]

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,

(1) " animal " means any domestic or captured animal ; and

(2) " street " includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

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1. See the Mysore Adaptation of Laws Order, 1956.
2. Bengal Act 1 of 1869, which was in force only in the town of Bangalore within municipal limits and had not been extended to other places, is thus virtually repealed.

Penalty for cruelty to animals in public places and for sale in such places of animals killed with unnecessary cruelty.

3. If any person in any street or in any other place, whether open or closed, to which the public have access, or within sight of any person in any street or any such other place,—

(*a*) cruelly and unnecessarily beats, overdrives, overloads or otherwise ill-treats any animal, or

(*b*) binds or carries any animal, in such a manner or position as to subject the animal to unnecessary pain or suffering, or

(*c*) offers, exposes or has in his possession for a sale any live animal which is suffering pain by reason of mutilation, starvation or other ill-treatment or any dead animal which he has reason to believe to have been killed in an unnecessarily cruel manner,

he shall be punished with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.

Penalty for practising phuka.

4. If any person performs upon any cow the operation called phuka, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty for killing animals with unnecessary cruelty anywhere.

5. If any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for employing anywhere animals unfit for labour.

6. (1) If any person employs in any work or labour any animal which, by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees.

(2) The Government of Mysore may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against sub-section (1) have been committed.

(3) The Magistrate before whom a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and

care to an infirmary and be there detained until it is, in his opinion or in the opinion of some other Magistrate, again fit for the work or labour on which it has been ordinarily employed.

(4) The cost of the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the District Magistrate may from time to time prescribe.

(5) If the owner refuses or neglects to pay such cost and to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of the sale shall on application made by the owner within two months after the date of the sale be paid to him; but the owner shall not be liable to make any payment in excess of the proceeds of the sale.

Penalty for permitting diseased animals to go at large or to die in public places.

7. If any person wilfully permits any animal of which he is the owner to go at large in any street while the animal is affected with contagious or infectious disease, or without reasonable excuse permits any diseased or disabled animal of which he is the owner to die in any street, he shall be punished with fine which may extend to one hundred rupees.

Search-warrants.

8. (1) If a Magistrate of the first class, Sub-Divisional Magistrate or District Superintendent of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 4, section 5 or section 6 is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorize any police officer above the rank of a constable to enter and search the place.

(2) The provisions of the Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search under sub-section (1).

Limitation of prosecution.

9. A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

Destruction of suffering animals.

10. When any Magistrate or District Superintendent of Police has reason to believe that an offence against this Act has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion its sufferings are such as to render such a direction proper.

Saving with respect to religious rites and usages.

11. Nothing in this Act shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class.